

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

August 27, 2002

**SUBJECT:**

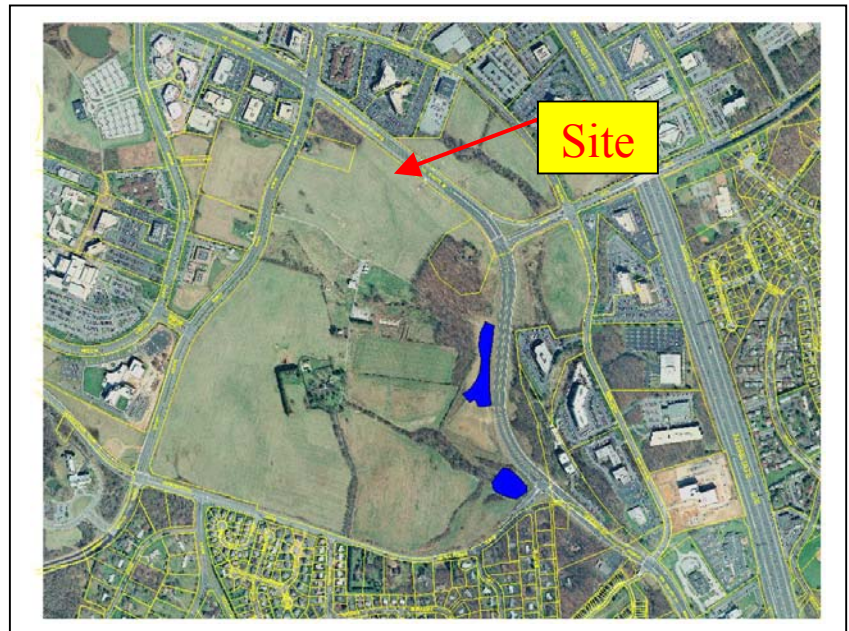
Detailed Application CPD2002-0004Q for  
Comprehensive Planned Development  
CPD1999-0004, Fallsgrove

Applicant: Piccadilly Properties, LLC  
5171 Palisade Lane NW  
Washington, DC 20016

Owner: same

Date Filed: December 20, 2001

Location: A portion of the former Thomas  
Farm, near the corner of West  
Montgomery Avenue and  
Woodhill Road



***Proposed Location***

**REQUEST:**

The applicant seeks detailed (final) approval for a 12,250 square-foot child-care facility at this location. The center will accommodate 192 students.

**PREVIOUS RELATED ACTIONS:**

- CPD99-0004, Concept Plan Application for Comprehensive Planned Development approved by the Mayor and Council, February 22, 2000.
- CDP2000-0004A through CPD2001-0004P, Detailed Applications for Comprehensive Planned Development CPD99-0004. All approved by the Planning Commission.

**RELEVANT ISSUES**

In reviewing the application, the following issues emerged and have been addressed:

- The TransCo easement presented a design challenge for proper ingress/egress, site circulation and landscaping. Staff worked with the applicant for many months to accomplish an effective plan.

- The design and architecture of the building has been addressed to ensure appropriate design features on the two road frontages.
- Site circulation and access from Woodhill Road were significant issues. The ingress/egress from Woodhill is located and designed in its current location to keep it out of a proposed turn-bay lane on Woodhill Road onto West Montgomery Avenue
- The Mayor and Council, during its review of this project for site layout and architectural design commented that they feel that the plan is a substantial deviation from the approved Concept Plan. This issue will be addressed later in this report.

## **ANALYSIS**

### **Background**

On February 22, 2000, the Mayor and Council approved CPD99-0004, authorizing development on the former Thomas Farm site, now known as Falls Grove. The approval authorized a total of 1,530 dwelling units, 150,000 square feet of commercial retail and 950,000 square feet of office/research and development space. A Comprehensive Planned Development is implemented through the approval of individual detailed applications for all or part of a development as required in Section 25-656 of the Zoning Ordinance. This application is part of a series of detailed applications.

### **Property Description**

Falls Grove consists of approximately 254 acres bounded by Shady Grove Road, Darnestown Road, West Montgomery Avenue and Research Boulevard. The topography varies from rolling farmland on a majority of the site to an upland forest area near the intersection of Gude Drive and West Montgomery Avenue.

The property of this application is located at the intersection of West Montgomery Avenue and Woodhill Road. The topography is gently rolling with a modest grade increase from the property boundary on West Montgomery Avenue towards the interior of the site. There are 268 apartments associated with the recently approved JPI project that will be adjacent to this site on the south.

A major design feature and consideration of this property is the presence of a TransCo gas line and easement through the portion of the property relatively parallel and adjacent to the West Montgomery Avenue frontage of the property.

### **Concept Plan Compliance**

As part of this application, the Planning Commission will be required to make a determination as to whether this application is a substantial deviation from the approved Concept Plan. This application, referred to as "The Falls Grove Early Learning Center," is proposed for a site that the Concept Plan showed as multi-family development. While the Falls Grove Concept Plan allows for land use area boundaries to shift slightly, the Concept Plan did not specify an Institutional Use such as a child-care facility. Therefore, the Planning Commission will have to make a determination as to whether this

application is a substantial deviation from the approved Concept Plan. Section 25-564, Deviation from exploratory application plans, states:

“Development plans approved as submitted or modified by approval of exploratory application under this division shall be followed by the applicant. No substantial deviation from such plan shall be permitted without the approval of the Council following the same procedure as in the case of an original exploratory application. Any increase in the number of dwelling units of any type in excess of those approved in the exploratory application shall be deemed a substantial deviation. Any other deviation not deemed substantial by a majority of the Planning Commission may be considered and acted upon by the Commission. Withdrawal of applications for approval of a substantial deviation from an exploratory plan shall be governed by the procedures and limitations applicable to the withdrawal of applications for local map amendments set forth in section 25-129.”

The Mayor and Council made comments regarding this application during their review of site layout and architecture for the site, as required by the Concept Plan. Although technically not within the purview of their required task for this project (providing comments to the Planning Commission regarding site layout and architecture), the Mayor and Council were unanimous in their position that this application was indeed a substantial deviation from the Concept Plan, requiring an amendment to the Concept Plan. This amendment would require review and approval of the Mayor and Council.

The Resolution of approval for Falls Grove states the following under Section III (c):

Land Use Boundary Modifications

As part of the approval of the Detailed Application(s), the Planning Commission may approve minor modifications to the lines separating the use envelopes as shown on the Land Use Plan (Exhibit 18) due to the actual layout of the various uses with their accompanying street circulation system, provided that the maximum development levels set forth above are not increased. Lot layout, placement of actual buildings, designation of parking and loading areas for each development area will be approved as part of the Detailed Application(s). The Planning Commission shall review such plans for compliance with the land use principles of the approved Concept Plan. Substantial deviations from the approved Concept Plan shall be approved by the Mayor and Council

This section of the Resolution of Approval is indicative of the flexibility provided within the Falls Grove Concept Plan to anticipate adjustments of land uses.

**Proposal**

The applicant requests detailed application approval for a 12,250 square-foot child-care facility at this location on the Falls Grove site. As previously mentioned, the area of this application is located on a parcel of land that was shown in the Concept Plan as multi-family. There is adjacent multi-family development that was approved through detailed application CPD2002-0004P. This application was for 268 apartment units, and the parcel associated with child-care center application was not included due to site layout of the development. The Falls Grove Concept Plan authorized a maximum of 765

multi-family units. All of the detailed applications for Fallsgrove have been approved, and the number of multi-family units approved is 746, which is 19 fewer than the maximum number.

The site is oriented towards West Montgomery Avenue, with access being provided from Woodhill Road. Site access will consist of a two-way driveway that will continue towards West Montgomery Avenue and turn left, continuing past the front entrance of the site toward a turn-around loop adjacent to Woodhill Road. The facility will be two stories, and will accommodate approximately 200 students of varying age groups up to the 1<sup>st</sup> grade. A playground for the site will be to the rear, which also places it adjacent to Woodhill Road. A forty-two inch high vinyl fence is to be placed around the playground. Landscaping will augment the appearance of the fence.

This site has included on it a section of the TransCo pipeline easement. The easement runs relatively parallel to the West Montgomery Avenue frontage of the site. The building itself is located 14.3 feet from the easement. The Zoning Ordinance requires that residential structures have a fifty-foot setback from the easement, but the use associated with this application does not have such a requirement.

#### **MAYOR AND COUNCIL COMMENTS ON FALLSGROVE EARLY LEARNING CENTER**

On May 28, 2002, the Mayor and Council reviewed the Fallsgrove Early Learning Center proposal through a presentation by the Applicant. The approved Concept Plan provides that the Mayor and Council shall retain the authority to review schematic design features such as building design and locations for nonresidential buildings. The Mayor and Council raised some issues regarding this application.

- Two of the Council members indicated that this site may not be in the best location given its proximity to the TransCo pipeline and the Concept Plan showing this area as residential.
- The Council seemed unanimous in its opinion that the architecture and layout are appropriate, with staff conditions outlined within the agenda sheet which requires more attention to detail on the Woodhill Road frontage. The Applicant agreed with this condition and presented an alternative which staff finds acceptable.
- The Council was unanimous in its opinion that the application represents a substantial deviation from the Concept Plan. They felt that the Concept Plan should be amended to show this use, a formal reduction of office space to accommodate the traffic mitigation, and a formal reduction of approved units. (Fallsgrove is building 1,411, but was approved for 1,530). The Council felt that formally reducing the number of approved units through a Concept Plan amendment is important before approving this use. Although Fallsgrove is only building 1,411 units, they could, through a series of detailed application amendments add units up to the 1,530 threshold.

The applicant contends that this use is not a substantial deviation from the Concept Plan. They have presented a formal statement from Fallsgrove Associates that they will reduce the approved office allocation for Fallsgrove by 24,000 square-feet to mitigate the traffic impact of the site. They also contend that while a child-care center could potentially have a slight increase on morning traffic, the impact will be more than offset by the reduction in office, which has a higher overall impact on traffic. In addition, the applicant states that a child-care facility is a compatible neighborhood use,

consistent with the goals and intent of the Comprehensive Planned Development (CPD) approval and the Concept Plan, and that the anticipated use of the facility by the adjacent community would further decrease any impact that this center may have.

**STAFF RECOMMENDATION:**

Given the requirement of the Planning Commission to determine if the application is a substantial deviation from the Concept Plan, the following conditions are recommended if approval is granted:

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A.
2. Submission, for approval by the Department of Public Works (DPW), of the following detailed plans, studies and computations:
  - a. stormwater management plan for on-site BMP's;
  - b. sediment control;
  - c. public improvements - water, sewer, storm drain, paving, and site access;
  - d. drainage study.
3. Stormwater management concept must be approved prior to Planning Commission action.
4. Obtain MSHA permit for storm drain connection from BMP.
5. Occupancy permit will not be issued until Falls Grove Associates constructs the wastewater outfall and stormwater outfall to this site, and completes the pond 3 retrofit. All work must be accepted by DPW for permanent maintenance and ownership.
6. Falls Grove Associates must complete all phase I off-site transportation improvements by August 9, 2003; and must complete all phase II and III improvements by August 9, 2005.
7. No vehicles with a wheel-base in excess of 12 feet will be allowed on the site, given constraints regarding the turn around design. (See plan for other Traffic and Transportation comments).
8. All internal and external traffic control devices (ie. signs, signals, markings, and devices placed on, over or adjacent to a roadway or pathway to warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices. A signing and pavement marking plan shall be reviewed and approved by the Department of Public Works before the issuance of a public works permit.
9. Bonds be posted and permits obtained from DPW, MDE and MSHA as required.

10. The three off-site water main improvements, as identified in the June 23, 2000 letter to Cox Companies, must be constructed prior to occupancy permit issuance.
11. The design of the building, including colors, must be approved by the Falls Grove Architectural Review Committee under the procedures outlined within the approved set of Design Guidelines, and submitted to the City in writing at time of signature set submittal. Signage must comply with the approved Falls Grove Sign Design criteria.
12. Submission for the approval of the Chief of Planning, of 11 copies of a Landscape Plan that is revised according to Planning Commission Exhibit B.
13. Submission of an Applicant-signed copy of the Detailed Application approval letter.

## **TRANSPORTATION**

### **Traffic**

A traffic study was done as part of the Concept Plan approval, and this application is in compliance with the approved Concept Plan. Mitigation of the traffic impacts were required as part of the Concept Plan. Mitigation measures include the construction of improvements to 12 intersections, construction of a transit center, payment of \$1.6 million for Transportation Demand Management (TDM) measures, and construction of on-site roads.

The Applicant has provided a bond in the amount of \$2.2 million for required off-site traffic improvements, as per the requirements of the Concept Plan. It should be noted that the Resolution of Approval requires that all Phase I off-site road improvements, as outlined within the Resolution on page 26, must be completed within three years of the issuance of the first grading permit. In addition, Falls Grove Associates has begun the permitting and design process for all off-site road improvements. Many will be under construction this summer.

The Applicant, through the work of its traffic consultant, has indicated that the use proposed through this application has the most impact on morning peak hour trips. As a result, the applicant has indicated that Falls Grove Associates has committed to reducing the approved office space allocation for the development by 24,000 square-feet. This amount is approximately double the square-footage of this proposal.

### **Parking**

Based on the number of units, the development is required to have 32 parking spaces. There will be 32 spaces provided in the form of a surface lot adjacent to West Montgomery Avenue.

### **Architecture**

The building design will offer a variety of materials that will be consistent with the residential buildings of Falls Grove. There will be brick detailing on the lower portions of the building and “hardy plank” siding on the upper portions. There will also be dormers on the asphalt shingle roof that will

have standing seam metal roofs. In addition, there will be detailing around the windows that will accent the façade.

The building has presence on two road frontages, and architectural treatments have been given to both facades that will highlight the presence on both of road frontages. The applicant worked with staff on the architectural treatment for the Woodhill Road frontage, and has added window details and roof elements that relate well to the balance of the building. The brick will be a red color that is similar to the red brick design of Falls Grove, and the building above the brick will be a pastel type of yellow or white color.

### **Pedestrian Access and Bicycle Paths**

The entire Falls Grove site is interconnected via pedestrian paths and sidewalks. Pedestrian and bike access for this application is provided to Falls Grove Drive and Woodhill Road. Falls Grove Drive will connect to the multi-modal transit center and the Village Center, as well as other points within the development, and areas outside of the city limits.

### **Transit**

The Concept Plan shows a multi-modal transit stop as part of the retail center. This area is adjacent to Falls Grove Drive and in relatively close proximity to the transit center associated with the retail center. The development will provide easy access via walking or biking to on-site amenities, the amenities and transit facilities associated with the retail center, and overall community facilities located within Falls Grove.

## **STORMWATER MANAGEMENT**

A stormwater management (SWM) facility located along West Montgomery Avenue near Darnestown Road serves this site. This SWM area, referred to as Pond #3 and approved for alteration by Detailed Application CPD2000-0004A, is an area the approved Concept Plan has identified as a SWM area. Prior to exiting the site and entering the public storm drain system, a portion of the site's runoff will be directed to various on-site bioretention facilities to meet the state's new recharge volume requirement. Plantings will surround these bioretention areas.

## **LANDSCAPING**

A landscape plan for the site has been provided as Planning Commission Exhibit "B."

### **Equipment Screening**

All transformers or telecommunications equipment are required by the City of Rockville to be placed underground. Any equipment that the applicant proposes to place above ground must be approved in accordance with the submission and approval of a waiver of the city's underground utility requirements. This waiver must be approved by the City of Rockville Planning Commission.

The Applicant has indicated that all equipment will be underground or integrated within buildings. Dumpsters will be screened by enclosures that are brick pier and wood construction, as per the Falls Grove Design Guidelines.

## ART IN PUBLIC PLACES

The Applicant has responded to the provision of art in public places by stating that the Falls Grove development group has provided a significant amount of money, as per the Concept Plan, for the provision of art for the whole community. The Applicant points to the recently approved art for the Village Green near the Village Center of Falls Grove as part of the contribution.

## STAFF COMMENTS

As stated before, this application will require a determination from the Planning Commission that this proposal is not a substantial deviation from the approved concept plan. If it is determined that this plan is not a substantial deviation, staff believes that this use is consistent with the intent of a CPD, by providing a use that is consistent with the overall neighborhood design of Falls Grove. The combination of office and residential development associated with Falls Grove, as well as on the periphery within the Shady Grove Life Sciences area would support a use of this type.

The architecture is appropriate, with the two frontage roads of this project being adequately addressed. Site access is not ideal but adequate, given the constraints imposed on the site by the presence of the TransCo easement.

## NOTIFICATION

Notices were sent to approximately 750 residences, businesses and association presidents. Some of the subdivisions include, but were not limited to, Glenora Hills, Rockshire, the Willows, Carter Hill, Watts Branch Meadows, Cambridge Heights, Ivy Woods and Flintledge Estates.

## APPROVAL LIMITATIONS

Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this decision or application approval shall expire.** If the applicant can show just cause, a maximum of two (2) time extensions may be granted by the Planning Commission, each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order for the Planning Commission to consider granting an extension.

## CONCLUSION

Staff believes that if considered to not be a substantial deviation, this application could be considered consistent with the approved Concept Plan for this area of Falls Grove, with a staff recommendation of



approval. If found to be a substantial deviation, the applicant will need to submit, and have approved, a Concept Plan amendment.

Attachments